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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Abdul Malik Abdul Kareem,

Defendant.

2:15-cr-00707-SRB

**Unopposed Motion to Extend
Stay of Briefing on Supplemental
Motion for New Trial (Doc. 505)**

Defendant Abdul Malik Abdul Kareem moves the Court to extend by 60 days to November 30, 2018, the stipulated stay of briefing on Defendant's supplemental motion for a new trial based on newly discovered evidence (Doc. 505). The stay was entered by this Court on August 3, 2018 (Doc. 516) and stayed briefing to October 1, 2018. The extension is requested based on the diligent efforts the parties have been making to prepare this matter for full briefing, as detailed below.

This motion and the relief requested have been discussed with Asst. U.S. Attorney Joseph E. Koehler. The government has no objection to the requested extension of the stay.

Excludable delay under 18 U.S.C. s 3161(h) will not occur as a result of this notice or an order based thereon.

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Respectfully Submitted this 27st day of September 2018.

MAYNARD CRONIN ERICKSON
CURAN & REITER, P.L.C.

DRAKE LAW, PLC

s/Daniel D. Maynard
DANIEL D. MAYNARD

s/Daniel R. Drake
DANIEL R. DRAKE

STATUS REPORT AND BASIS FOR EXTENSION

The defense filed its supplemental motion for new trial (Doc. 505) on June 11, 2018, based on newly discovered evidence. On July 26, 2018, the government disclosed information shared by government prosecutors during the prosecution of Erick Jamal Hendricks in the Northern District of Ohio. As anticipated at the time, some of this information might prove useful in briefing and presenting the new trial motion, including a defense addendum. And, as anticipated and reflected in the party's stipulation (Doc. 514), the defense might wish to seek further disclosures based on the July disclosures.

The disclosures in late July consisted of heavily redacted email communications among the FBI undercover agent referred to as "Stephen Jane" and other FBI employees, including some intelligence analysts, and a heavily redacted FBI internal document entitled "Garland Shooting Incident Review."

On September 6, 2018, following its review of the late July disclosures, the defense requested further disclosures is a six-page letter specifically identifying information requested and the reasoning supporting each request. The parties spoke briefly following the request and, on September 10, 2018, the government sent a written response stating it intended to respond to the request in a substantive and complete

1 fashion and provide additional information where appropriate. It anticipated it might take
2 a few weeks to complete its response.

3 Earlier this week the government indicated it was still working with the FBI to
4 determine how best to respond to the requests. The defense wishes that process to
5 continue. An extension of the stay for 60 days will allow that.

6 CONCLUSION

7 The foregoing demonstrates the diligence of the parties and justifies the extension
8 of the stay of briefing for an additional 60 days until November 30, 2018.

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10 Respectfully Submitted this 27st day of September 2018.

11 DRAKE LAW, PLC

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13 *s/Daniel R. Drake*
14 DANIEL R. DRAKE

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18 Certificate of Service

19 I hereby certify that on September 27, 2018, I electronically transmitted the attached
20 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice
of Electronic Filing to CM/ECF registrants:

21 AUSA Joseph E. Koehler
22 AUSA Kristen Brook

23 *s/Daniel R. Drake*
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